

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

LONNIE STAMPER,)	
Plaintiff,)	
v.)	C.A. No. 5:10-CV-202-RLV-DSC
)	
CAROLYN W. COLVIN,)	
Acting Commissioner,)	
Social Security Administration,)	
Defendant. ¹)	

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. § 406(b), filed on March 4, 2013 (Dkt. No. 21). Plaintiff is seeking a fee in the amount of \$12,400.00 pursuant to 42 U.S.C. § 406(b). Defendant has stated that she has no objection to payment of a fee in the amount of \$12,400.00 pursuant to 42 U.S.C. § 406(b), provided that Plaintiff's counsel returns to Plaintiff the \$2,139.91 previously paid pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).

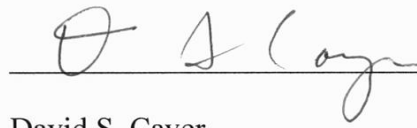
NOW THEREFORE, IT IS ORDERED:

1. Plaintiff's counsel shall be paid the sum of \$12,400.00 in attorney's fees pursuant to 42 U.S.C. § 406(b).
2. Plaintiff counsel shall return to Plaintiff the \$2,139.00 previously paid pursuant to the EAJA.
3. The Clerk is directed to serve copies of this Order on counsel for the parties.

¹ Carolyn W. Colvin became Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as Defendant in this matter.

SO ORDERED.

Signed: March 11, 2013

A handwritten signature in black ink, appearing to read "D S Cayer", written over a horizontal line.

David S. Cayer
United States Magistrate Judge

